

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MAYEL PEREZ-VALENCIA,

Petitioner,

v.

WARDEN,

Respondent.

Case No. 1:23-cv-01123-SAB-HC

ORDER DISCHARGING ORDER TO
SHOW CAUSE

(ECF No. 13)

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On March 27, 2024, the Court ordered Respondent to file a copy of Petitioner's purported final order of removal. (ECF No. 9.) On April 12, 2024, the Court granted Respondent's request to file the final order of removal under seal. (ECF No. 12.) On May 7, 2024, the Court ordered Respondent to show cause why sanctions should not be imposed for failing to comply with Local Rule 141, which provides that if a request to seal documents is granted then counsel for the requesting party shall email the Clerk, at the email address for sealed documents listed on the Court's website, an electronic copy of the documents covered by the sealing order. L.R. 141(e)(2)(i). (ECF No. 13.) The sealed documents were emailed to the Clerk and filed on May 8, 2024. (ECF Nos. 14, 15.)

On May 13, 2024, Respondent filed a response to the order to show cause. (ECF No. 16.) Therein, Respondent indicates that different magistrate judges have different procedures

1 regarding compelled follow up submissions to the Clerk's email address for sealed documents
2 and that this Court's order did not contain "an instruction compelling Respondent to submit the
3 document to approvedsealed@caed.uscourts.gov; and the Order does not provide a timeframe or
4 deadline for further action." (ECF No. 16 at 2.)

5 The Court recognizes that different judges may have varying procedures, but Local Rule
6 141 explicitly sets forth the procedure for documents covered by an order granting a request to
7 seal. Although Local Rule 141 does not provide a timeframe for emailing the documents covered
8 by a sealing order to the Clerk, the Court expects parties to comply with the rule within a
9 reasonable time period without further prompting from the Court. Nonetheless, in light of
10 Respondent's response and for the sake of clarity, this Court going forward will ensure that its
11 orders granting requests to seal will contain an instruction compelling Respondent to comply
12 with Local Rule 141(e)(2)(i) within two days from the date of service of the order.

13 Accordingly, the Court HEREBY DISCHARGES the order to show cause (ECF No. 13)
14 and declines to impose sanctions.

15
16 IT IS SO ORDERED.

17 Dated: May 22, 2024


UNITED STATES MAGISTRATE JUDGE